

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LIAN HONG JIN on behalf of others and all
others similarly situated,

Index No.: 21-CV-3666

Plaintiff,

-against-

ANSWER

YH RESTAURANT INC. dba HAHM JI BACH,
HAHM JI BACH CATERING SERVICES, INC.
dba JANCHI MYEONGA and YOUNG HWAN KIM

Defendants.

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Defendants, **YH RESTAURANT INC. dba HAHM JI BACH, HAHM JI BACH CATERING SERVICES, INC.** dba **JANCHI MYEONGA**, and **YOUNG HWAN KIM** , ("Defendants"), by their attorney, Sungchan Cho, Esq., hereby answer to the allegations made by Lian Hong Jin, in the complaint ("Complaint") as follows :

NATURE OF ACTION

1. No answer is required.
2. No answer is required.
3. Defendants admit an allegation in paragraph 3 of the Complaint.
4. Defendants deny an allegation in paragraph 4 of the Complaint.

JURISDICTION

5. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 5 of the Complaint.

VENUE

6. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 6 of the Complaint.

Plaintiff Lian Hong Jin

7. Defendants admit an allegation in paragraph 7 of the Complaint.

8. Defendants admit an allegation in paragraph 8 of the Complaint.

Hahm Ji Bach

9. Defendants admit an allegation in paragraph 9 of the Complaint.

10. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 10 of the Complaint.

11. Defendants admit an allegation in paragraph 11 of the Complaint.

12. Defendants admit an allegation in paragraph 12 of the Complaint.

Janchi Myeongga

13. Defendants admit an allegation in paragraph 13 of the Complaint.

14. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 14 of the Complaint.

15. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 15 of the Complaint.

16. Defendants deny an allegation in paragraph 16 of the Complaint.

Hahm Ji Bach and Janchi Myeonga are joint employers

17. Defendants deny an allegation in paragraph 17 of the Complaint.
18. Defendants deny an allegation in paragraph 18 of the Complaint.
19. Defendants deny an allegation in paragraph 19 of the Complaint.

Young Hwan Kim

20. Defendant, Young Hwan Kim, is only the president of Hahm Ji Bach.
21. Defendants admit an allegation in paragraph 21 of the Complaint.
22. Defendants admit an allegation in paragraph 22 of the Complaint
23. Defendants admit an allegation in paragraph 23 of the Complaint.
24. Defendants admit an allegation in paragraph 24 of the Complaint except that Kim is not the president of Janchi Myeonga.
25. Defendants admit an allegation in paragraph 25 of the Complaint except that Kim is not the president of Janchi Myeonga.
26. Defendants admit an allegation in paragraph 26 of the Complaint except that Kim is no the president of Janchi Myeonga.

COLLECTIVE ACTION AND ALLEGATION

27. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 27 of the Complaint.
28. Defendants deny an allegation in paragraph 28 of the Complaint.

29. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 29 of the Complaint.

30. Defendants deny an allegation in paragraph 30 of the Complaint and sub-paragraph a,b, c, and d thereof.

31. Defendants deny an allegation in paragraph 31 of the Complaint.

PLAINTIFF'S FACTUAL ALLEGATIONS

32. Defendants admit an allegation in paragraph 32 of the Complaint.

33. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 33 of the Complaint.

34. Defendants admit an allegation in paragraph 34 of the Complaint.

35. Defendants deny an allegation in paragraph 35 of the Complaint.

36. Defendants deny an allegation in paragraph 36 of the Complaint.

37. Defendants deny an allegation in paragraph 37 of the Complaint.

38. Defendants deny an allegation in paragraph 38 of the Complaint.

39. Defendants deny an allegation in paragraph 39 of the Complaint.

40. Defendants deny an allegation in paragraph 40 of the Complaint.

41. Defendants deny an allegation in paragraph 41 of the Complaint.

42. Defendants deny an allegation in paragraph 42 of the Complaint.

43. Defendants deny an allegation in paragraph 43 of the Complaint.

44. Defendants deny an allegation in paragraph 44 of the Complaint.

45. Defendants deny an allegation in paragraph 45 of the Complaint.

46. Defendants admit an allegation in paragraph 46 of the Complaint.

47. Defendants deny an allegation in paragraph 47 of the Complaint.

48. Defendants deny an allegation in paragraph 47 of the Complaint.

FIRST CLAIM

(Fair Labor Standards Ad-Unpaid Minimum Wage)

49. No answer is required.

50. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 50 of the Complaint.

51. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 51 of the Complaint.

52. Defendants admit an allegation in paragraph 52 of the Complaint.

53. Defendants deny an allegation in paragraph 53 and sub-paragraph e and f of the Complaint.

54. Defendants deny an allegation in paragraph 54 of the Complaint.

55. Defendants deny an allegation in paragraph 55 of the Complaint.

56. Defendants deny an allegation in paragraph 54 of the Complaint.

SECOND CLAIM

(New York Labor Law-Unpaid Minimum Wage)

57. No answer is required.

58. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 58 of the Complaint.

59. Defendants deny an allegation in paragraph 59 of the Complaint.

60. Defendants deny an allegation in paragraph 60 of the Complaint.

61. Defendants deny an allegation in paragraph 61 of the Complaint.

THIRD CLAIM
(Fair Labor Standards Act-Unpaid Overtime)

62. No answer is required.
63. Defendants admit an allegation in paragraph 63 of the Complaint.
64. Defendants deny an allegation in paragraph 64 of the Complaint.
65. Defendants deny an allegation in paragraph 65 of the Complaint.
66. Defendants deny an allegation in paragraph 66 of the Complaint.

FOURTH CLAIM
(New York Labor Law-Unpaid Overtime)

67. No answer is required.
68. Defendants admit an allegation in paragraph 68 of the Complaint.
69. Defendants deny an allegation in paragraph 69 of the Complaint.
70. Defendants deny an allegation in paragraph 70 of the Complaint.

FIFTH CLAIM
(New York Labor Law-Unpaid Overtime)

71. No answer is required.
72. Defendants deny an allegation in paragraph 72 of the Complaint.
73. Defendants deny an allegation in paragraph 73 of the Complaint.
74. Defendants deny an allegation in paragraph 74 of the Complaint.

SIXTH CLAIM
(New York Labor Law-Wage Theft Prevention Act)

75. No answer is required.
76. Defendants deny an allegation in paragraph 76 of the Complaint.

77. Defendants deny an allegation in paragraph 77 of the Complaint.
78. Defendants deny an allegation in paragraph 78 of the Complaint.
79. Defendants deny an allegation in paragraph 79 of the Complaint.

AS AND FOR S FIRST AFFIRMATIVE DEFENSES

80. Pursuant to 29 U.S.C. section 260, the Court should not award liquidated damages for violations of the FLSA because Defendants acted in good faith.

AS AND FOR SECOND AFFIRMATIVE DEFENSES

81. Plaintiff's claims are not proper for treatment as a class action because the Plaintiff cannot satisfy the requirement of Rule 23.

RELEIF REQUESTED

WHEREFORE, Defendants, respectfully request the following relief:

- A. A judgment in favor of Defendant denying Plaintiff all relief requested in the Plaintiff's Complaint in this action and dismissing Plaintiff's Complaint with prejudice, together with attorney's fees, costs and disbursements in this action; and
- B. That the Court awards Defendants such other and further relief as the Court deems just, proper, and equitable.

Dated: Flushing, New York
August 24, 2021

/s/Sungchan Cho
Sungchan Cho, Esq. (sc8519)

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